

**IC 34-43.5**

**ARTICLE 43.5. EVIDENCE: SPECIFIC COMMUNICATIONS**

**IC 34-43.5-1**

Chapter 1. Communications of Sympathy

**IC 34-43.5-1-1**

**Exception**

Sec. 1. This chapter does not apply to a criminal proceeding.  
*As added by P.L.76-2006, SEC.1.*

**IC 34-43.5-1-2**

**Application**

Sec. 2. This chapter applies to a cause of action in tort, including a medical malpractice action under IC 34-18-8.  
*As added by P.L.76-2006, SEC.1.*

**IC 34-43.5-1-3**

**"Communications of sympathy"**

Sec. 3. As used in this section "communication of sympathy" means a statement, a gesture, an act, conduct, or a writing that expresses:

- (1) sympathy;
- (2) an apology; or
- (3) a general sense of benevolence.

*As added by P.L.76-2006, SEC.1.*

**IC 34-43.5-1-4**

**Prohibited admission of communications of sympathy**

Sec. 4. Except as provided in section 5 of this chapter, a court may not admit into evidence a communication of sympathy that relates to causing or contributing to:

- (1) a loss;
- (2) an injury;
- (3) pain;
- (4) suffering;
- (5) a death; or
- (6) damage to property.

*As added by P.L.76-2006, SEC.1.*

**IC 34-43.5-1-5**

**Admission of statements of fault, including communications of sympathy**

Sec. 5. A court may admit a statement of fault into evidence, including a statement of fault that is part of a communication of sympathy, if otherwise admissible under the Indiana Rules of Evidence.

*As added by P.L.76-2006, SEC.1.*